



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Brown  
Serial No.: 09/899,432  
Filed: July 03, 2001  
For: Antiviral Composition and Treatment Method  
Atty. Docket No.: 511-051

Art Group:  
Examiner:

16  
JAN 28 2003

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*2/11/03*

Box Fee Amendment  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**Response to Office Action Dated 10/1/02**

Dear Sir:

Responsive to the Official Action dated 10/1/02:

The examiner feels that claims 1-90 are pending in the application and that claims 1-90 are subject to Restriction.

The examiner has required restriction to one of the following inventions:

- I. Claims 1-36 and 85-90, drawn to a method of treating virus-induced and inflammatory skin conditions;
- II. Claims 37-60, drawn to a method of preventing or inhibiting virus-induced and inflammatory skin conditions;
- III. Claims 61-72 and 79-84, drawn to composition; and
- IV. Claims 73-78, drawn to a method of preventing contraception and reducing the risk of viral infection.

The applicant herein elects to pursue invention I, drawn to a method of treating virus-induced and inflammatory skin conditions. This election is with traverse.

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The applicant disagrees with the examiner that inventions I, II and IV have different effects. All of these inventions have the effect of antiviral activity, both preventative and treatment. This is clearly obvious since all of these claims utilize basically the same composition for the treatment or prevent of viral infection (this composition is the one claimed in invention III). Therefore, the application respectfully requests that the examiner withdraw the restriction requirement and allow all claims be examined.

The applicant would like to point the examiner's attention to a Preliminary Amendment, filed by the applicant on 10/25/01, wherein the applicant canceled claims 1, 4, 7, 10, 13, 16, 19, 22, 25, 28, 31, 34, 37, 40, 43, 46, 49, 52, 55, 58, 61, 64, 67, 70, 73, 76, 79, 82, 85, and 88 and amended claims 2, 3, 8, 9, 11, 12, 14, 15, 20, 21, 26, 27, 32, 33, 38, 39, 44, 45, 50, 51, 56, 57, 62, 63, 65, 66, 68, 69, 74, 75, 80, 81, 86, and 87. (A copy of the Preliminary Amendment is included herein for the examiner's reference.) Therefore, claims 2, 3, 8, 9, 11, 12, 14, 15, 20, 21, 26, 27, 32, 33, 86, and 87 are the claims pending in the elected species.

Respectfully submitted,

Date: 11/16/02



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage paid, in an envelope addressed to: Box Non Fee Amendment, Assistant Commission for Patents, Washington, D.C. 20231

on 11/16/02

By: 

*John Brown*

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**Preliminary Amendment Before Examination and  
Supplemental Information Disclosure Statement**

Dear Sir:

Kindly amend the subject application as follows:

**Clean Version of Replacement Sections**

**In the Claims:**

~~Please amend the claims as follows:~~

1. (Canceled)

2. A method treating virus-induced and inflammatory diseases of skin and membranes in humans or animals, comprising topical application of a composition comprising of one or more of the monounsaturated alcohols octadecenol, eicosenol, docosenol, and tetracosanol in a concentration of from 0.1 to 25 percent by weight in a physiologically compatible carrier to the inflamed skin or membrane of the patient to be treated, the composition further comprising one or more of the salts of fatty acids

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